STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of	CASE NO. OSAB 2002-18 OSHCO ID Y6207		
DIRECTOR, DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS,	INSPECTION NO. 304213432		
Complainant,) vs.	ORDER NO. 2 ORDER CONSOLIDATING CASES FOR DISPOSITION; AND PRETRIAL ORDER		
VET'S TERMITE CONTROL,			
Respondent.))		
In the Matter of	CASE NO. OSAB 2002-20 OSHCO ID Y6207		
DIRECTOR, DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS,	INSPECTION NO. 304213432		
Complainant,)			
vs.			
VET'S TERMITE CONTROL,			
Respondent.)			

ORDER CONSOLIDATING CASES FOR DISPOSITION; AND PRETRIAL ORDER

Based upon a review of the record, pursuant to Hawaii Administrative Rules (HAR) § 12-42-8(g)(13), the Hawaii Labor Relations Board (Board), on its own motion, hereby consolidates the instant cases for disposition because the cases involve substantially the same parties or issues and consolidation of the proceedings is conducive to the proper dispatch of its business and the ends of justice.

Pursuant to the initial conference held on June 17, 2002 and the settlement conference held on July 8, 2002, at which Complainant's counsel and Respondent's representatives appeared, IT IS HEREBY ORDERED THAT:

1. The issues to be determined are:

- (a) Whether the Respondent's request for modification of the original abatement date, i.e., Petition for Modification of Abatement, for Citation 1, items 1-5 and Citation 2, item 1 in the Citation and Notification of Penalty issued on October 31, 2001 was untimely?
- (b) Whether Respondent failed to abate the alleged violations as described in the Notification of Failure to Abate Alleged Violations issued on March 25, 2002?
 - (1) If so, whether the imposition and amount of the respective proposed penalties are appropriate? If not, what are the appropriate penalties?
- 2. Trial is scheduled on September 18 20, 2002 commencing at 9:30 a.m. in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii.
- 3. Discovery deadlines are:

Designation of live and unnamed witnesses; identification of expert; and exchange of expert witness' summaries

July 19, 2002

Discovery cut-off

August 19, 2002

4. Hereafter, this Pretrial Order shall control the course of proceedings and may not be amended except by consent of the parties and the Board, or by order of the Board.

DATED:	Honolulu, Hawaii,	July 10,	2002

HAWAII LABOR RELATIONS BOARD

BRIAN K. NAKAMURA, Chair

CHESTER C. KUNITAKE, Member

DIRECTOR, DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS v. VET'S TERMITE CONTROL

CASE NO. OSAB 2002-18

DIRECTOR, DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS v. VET'S TERMITE CONTROL

CASE NO. OSAB 2002-20

ORDER CONSOLIDATING CASES FOR DISPOSITION; AND PRETRIAL ORDER

KATHLEEN RACUYA-MARKRICH, Member

NOTICE TO EMPLOYER

You are required to post a copy of this Order at or near where citations under the Hawaii Occupational Safety and Health Law are posted at least five working days prior to the trial date. Further, you are required to furnish a copy of this Order to a duly recognized representative of the employees at least five working days prior to the trial date.

Copies sent to:

J. Gerard Lam, Deputy Attorney General Darryl K. H. Choy